

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDUL HOWARD,

Defendant.

2:13-cr-00186-GMN-VCF

MINUTES OF THE COURT

DATED: May 23, 2014

THE HONORABLE GLORIA M. NAVARRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERKS: Michael Zadina

COURT RECORDER: Joan Quiros

COUNSEL FOR PLAINTIFF: Cristina Silva and Phillip Smith

COUNSEL FOR DEFENDANT: Rebecca Levy and Shari Kaufman

MINUTES OF PROCEEDINGS: Jury Trial (Day 10)

8:47 a.m. The Court convenes outside the presence of the jury.

The Court makes preliminary statements and grants the Motion to Compel (#186). The Court discusses and hears representations of Mr. Smith and Ms. Kaufman concerning taking a photograph of the Defendant in the hoodie admitted into evidence.

8:58 a.m. The Court reconvenes in the presence of the jury. Juror #7 is identified as being absent.

9:00 a.m. The Court stands at recess.

9:42 a.m. The Court reconvenes in the presence of the jury.

JASON NELSON, further testified on direct examination by Mr. Smith, cross examination by Ms. Levy.

Exhibits 44, 61, 69, 70, 62 marked and admitted. Exhibit 72 marked and admitted for demonstrative purposes only.

10:34 a.m. The Court excuses the jury.

The Court orders the Defendant to take photos in the hoodie admitted into evidence.

11:12 a.m. The Court reconvenes outside the presence of the jury.

The Court canvasses the Defendant on his preference to retake photos taken while on recess. The Defendant declines to retake photos.

JASON NELSON, testified on in follow-up examination by Ms. Levy.

11:32 a.m. The Court reconvenes in the presence of the jury.

JASON NELSON, further testified on cross examination by Ms. Levy, re-direct examination by Mr. Smith, re-cross examination by Ms. Levy, re-direct examination by Mr. Smith, re-cross examination by Ms. Levy.

Exhibit 75 marked and admitted. Court exhibits 69-73 marked.

12:17 p.m. The Court stands at recess.

The Court and counsel canvass Officer Nelson on his potential responses to jury questions submitted. The Court reads the proposed jury instruction on the record.

1:23 p.m. The Court reconvenes in the presence of the jury.

JASON NELSON, further testified on follow-up examination by Mr. Smith, cross examination by Ms. Levy, then excused.

CHRISTOPHER MCPEAK, is called to the stand, sworn and testified on direct examination by Ms. Silva, then excused.

Exhibits 74A-74J marked and admitted.

Government rests case-in-chief.

The Court excuses the jury.

1:38 p.m. The Court reconvenes outside the presence of the jury.

The Court canvasses the Defendant on his right not to testify.

Ms. Levy's request for an ex parte hearing is granted. Counsel for the Government are excused from the courtroom. Defendant's request for a continuance is denied. Counsel for the Government return to the courtroom. The Court and counsel settle jury instructions and verdict form as stated on the record.

Ms. Levy moves for a Rule 29 Judgment of Acquittal. The Court hears arguments of Ms. Levy and Mr. Smith. The Court denies the Rule 29 motion.

Defendant rests case-in-chief.

The Court instructs the jury on the law as contained in the jury instructions.

Closing arguments are presented by Ms. Silva on behalf of the Government.

IT IS HEREBY ORDERED the criminal jury trial in this matter is continued to **Wednesday, June 4, 2014, at 8:15 a.m.**

Jurors admonished and excused.

4:42 p.m. The Court adjourns.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /S/
Michael Zadina, Deputy Clerk